

A GUIDE TO THE PROVINCIAL OFFENCES ACT: PART II

CAZON
AT
- 2014

Government
Publications



Parking tickets. Why you can no longer get away without paying.



Ministry of
the Attorney
General

Ontario

ISBN 0-7729-2903-3

08-87

A GUIDE TO THE PROVINCIAL OFFENCES ACT: PART II



Ministry of
the Attorney
General



PROVINCIAL OFFENCES ACT PART II

FOREWORD

Parking tickets are a fact of life. They serve an important role in regulating the circulation of traffic in our towns, cities and rural highways. It is only fair that drivers who ignore the rules for stopping or parking their cars illegally should be penalized. And it is also fair that those fines should be paid.

Recently the government of Ontario enacted new legislation dealing with parking infractions, namely Part II of the Provincial Offences Act. The new law, which is now being phased in, will eventually apply to all municipalities throughout the province. It brings new and important changes to the manner in which parking tickets are issued, the methods for collecting fines, and the way in which citizens can dispute the charges.

This booklet will help Ontario drivers better understand the new law, and the important impact it will have on them.

WHY WAS THE LAW INTRODUCED?

Under the previous legislation, the processing of parking infractions in Ontario had become inefficient and antiquated. More than one million parking infractions a year were being sent to the courts for legal action because drivers and owners had ignored the original tickets. Those who did not pay the penalties voluntarily were summoned to appear in court. If they did not appear, and a conviction resulted, warrants of committal were issued to arrest offenders who failed to pay fines and to take them to jail. Although parking infractions are relatively minor offences, they are by far the most common provincial offence in Ontario and the sheer volume of work created by the old system had become unacceptable. Often the time which elapsed between the date when a parking ticket was issued to the date the matter came to court was more than a year. The result was congestion in the courts and a huge expense for the court system of the Province.

Concerned with the high cost and complexity of prosecuting parking infractions, as well as the problems on streets and roads caused by drivers who chose to ignore parking restrictions, the government has enacted effec-



tive new measures. Those measures simplify the procedures for dealing with parking violations and offer an efficient, new method of fine collection. Under Part II of the Act, drivers who refuse to pay their parking fines voluntarily will be denied the renewal of their automobile licence plates.

WHAT'S DIFFERENT ABOUT THE NEW PARKING TICKET?

The new parking ticket, technically known as a Parking Infraction Notice, is similar in appearance to the old parking tickets. The new ticket will list the date and place of the infraction, the licence plate number of the automobile involved and a brief description of the offence. It will include a set fine for the infraction and will instruct drivers on where they can pay the fine. It will also tell them what to do if they wish to dispute the alleged infraction. But unlike the old system, the new parking infraction notice will be the only notice issued regarding a parking infraction, no summonses will be issued and served personally on the offender. It is up to the persons charged to request a court hearing within 15 days of the alleged infraction if they want to dispute the matter. Drivers who do not request a trial will be convicted without a hearing, since the law treats their lack of response as an indication that they do not wish to dispute the charge.

WHO CAN ISSUE A PARKING INFRACTION NOTICE?

Under the new law, only provincial offences officers may issue the new parking infraction notices. Many different kinds of public officials have been authorized to act as provincial offences officers, including municipal by-law enforcement officers, police officers, park wardens and so forth. Usually the persons who issued parking tickets before the new law came into force will be the same people who will issue the new notices.

WHAT SHOULD I DO IF I DO NOT WISH TO DISPUTE THE TICKET?

When you find the parking infraction notice on your windshield, carefully read it over. It will set out the offence and the appropriate set fine. If you decide not to dispute the charge set out in the notice, in effect to admit that the



infraction was committed, you may pay the set fine on the notice either by mail, in person or by agent (having someone else present the notice and fine for you). Be sure to enclose the notice with your payment when using this option. The place the payment will go to is usually the appropriate municipal office or in some municipalities, a chartered bank. The notice will indicate exactly where you should deliver your payment. The notice will also advise you that you have 15 days between the date the infraction took place and the date for payment. It is important that you pay the set fine within the time allowed if you have decided not to dispute the infraction. If you do not pay within 15 days you will be convicted without a hearing and will be required to pay additional court costs.

WHAT SHOULD I DO IF I WANT TO FIGHT THE TICKET?

If you feel that you did not commit the infraction described on the notice you can request a trial in the Provincial Offences Court. To request a trial, sign the "NOT GUILTY" plea on the back of the parking infraction notice and deliver it to the address listed on the notice, either by mail or in person. You will incur no extra fees or costs for opting to appear at a trial involving a parking infraction.

If you are a person who speaks the French language, you may request that your trial be conducted before a justice who speaks French and English. There are no extra costs involved in having your trial conducted in either French or English.

After a request for trial is received, the municipality then proceeds to prepare for a trial. First, municipal officials will seek proof of ownership for the vehicle that was illegally parked. It is important to note that usually the owner of the vehicle is the person responsible for answering to the parking infraction notice, regardless of whether he or she actually committed the offence. In other words, if you loan your car to a friend or relative and that person parks illegally, the law will hold you responsible for the infraction committed by the person who was allowed to use your vehicle.

Once evidence of ownership has been obtained, the municipality then files it along with a certificate of parking infraction, which contains all of the relevant information set out in the parking infraction notice left on your windshield. That must be done within 45 days of the date when the alleged infraction took place. The court will then notify both you, the defendant, and the prosecutor, of the date.



time and place of the trial. The trial will be held in the Provincial Offences Court, a relatively informal setting that seeks to achieve the fair and speedy handling of minor offences. For more information on proceedings in the Provincial Offences Court, see the booklet "A Procedural Guide to the Provincial Offences Act."

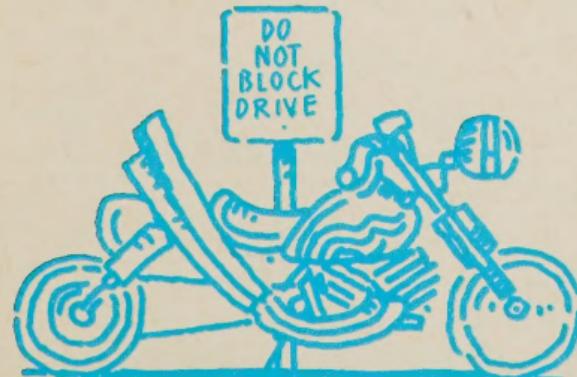
At trial, evidence will first be presented by the provincial offences officer who placed the parking infraction notice on your vehicle. You the defendant will then be given the opportunity to present whatever documentation or proof you can to dispute the charge. In addition you are free to question the officer or any other witness called by the prosecutor. That is an absolute right for all citizens.

A justice of the peace, who in most instances hears such cases, then determines whether the person charged actually committed the alleged infraction. If the justice decided that it was, he or she will impose the set fine or possibly a lesser fine which is appropriate in the circumstances. If he or she decides that the person charged did not commit the alleged infraction then the charge may be dismissed.

WHAT HAPPENS IF I JUST IGNORE THE NOTICE?

It is a mistake to believe that by ignoring a parking infraction notice nothing will ever happen. The owner of the vehicle identified on the parking infraction notice has the responsibility of responding to the parking infraction either by paying the set fine or by delivering a not guilty plea within 15 days of the date of the alleged infraction, as noted on the parking infraction notice. After 15 days have elapsed, the municipality may proceed to commence a prosecution by filing evidence of vehicle ownership along with the certificate of parking infraction in court. A justice of the peace will examine the documents and, if satisfied that the notice has been properly completed, he or she will enter a conviction without hearing evidence and without further notice to the defendant. The conviction will result in the imposition of the set fine indicated on the parking infraction notice. In addition, court costs will be added to the set fine. Only if there is a major error on the certificate will the justice quash the proceedings.

A driver who has failed to respond to the parking infraction notice will be notified by the court that he or she has been convicted and what the consequences will be for failing to pay the fine imposed. An additional administrative fee is payable if the fine is not paid within the time



allowed by the court.

Not paying a fine eventually result in an order by the court authorizing the Ministry of Transportation and Communications to withhold the yearly renewal of vehicle permits and licence plates registered to a person who is in default. Ontario's vehicle registration system recognizes the registered owner of a motor vehicle as the holder of a permit and corresponding licence plate number. They remain with that person permanently regardless of whether he or she sells the car with which the parking infractions were committed and buys a new one. Similarly, no new licence plates or permits will be issued to a person who has defaulted on parking fine payments.

This process, known as the "late denial" process provides an effective method of fine collection to supplement the traditional costly and inappropriate method used by the courts of issuing warrants of committal to attempt to secure fine payment.

WHAT IF I HAVE IGNORED PARKING FINES UNTIL IT IS TIME TO RENEW MY PLATES? HOW WILL I KNOW HOW MUCH TO PAY AND WHERE TO PAY IT?

Every time a person who has incurred a parking fine allows it to go into default, he or she will receive a "statement of account" from a central fine collection office of the Ministry of the Attorney General. The statement of account is an itemized bill that clearly lists all outstanding parking fines and the location and date where these were imposed. Those fines must be paid before you can renew your plates. The statement of account will also provide information on where to pay the outstanding amount. In addition, the Ministry of Transportation and Communications will include a statement of the total amount of the unpaid parking fines on the renewal document which is sent to all vehicle owners several weeks prior to the annual renewal date. *Important:* It is a serious offence to operate a motor vehicle without a valid vehicle permit and a licence plate which does not have a validation tag affixed to it.



I HAVE BEEN CONVICTED OF A PARKING INFRACTION, BUT I NEVER FOUND A PARKING INFRACTION NOTICE ON MY WINDSHIELD. WHAT CAN I DO?

Sometimes, for various reasons, a parking infraction notice goes missing. It may be blown off an automobile windshield by the wind, or is removed by mischief makers. The law provides a simple "reopening" mechanism for people in such predicaments. If you receive notification in the mail that you have been convicted of a parking infraction and believe that for some reason beyond your control you never actually did receive the parking infraction notice, you may go to the office of the Provincial Offences Court within 15 days of learning of the conviction and apply to re-open the case. You will be required to swear an affidavit before a justice of the peace, who upon consideration of the circumstances set forth in the affidavit may strike out the conviction. The justice may then give you a notice of trial, if you wish to plead not guilty to the alleged infraction, or accept payment of the original amount of the set fine if you decide that you do not wish to dispute the charge.

The reopening procedure may also be used by persons who first learn of a parking fine on the statement of account or in the annual licence plate renewal form sent out by the Ministry of Transportation and Communications.

ARE THERE ANY OTHER MEANS TO COLLECT DEFAULTED FINES?

Yes, the most wilful and obstinate persons who attempt to avoid paying parking fines may face possible sentences of imprisonment. In addition, in appropriate circumstances, the municipality which is entitled to the proceeds of the parking fines may decide to commence civil collection proceedings in order to seize the offender's vehicle or other assets, or to have court-ordered deductions made from his or her wages.

CAN I APPEAL A CONVICTION?

Yes. You may commence an appeal against a conviction or the fine imposed by filing a notice of appeal in the Provincial Court (Criminal Division) within 15 days of the date of the decision against you. The appeal will be heard by a provincial judge, who will review the case in a relatively informal manner. The option to appeal can also be used by the municipality or other agency which commenced the prosecution.

For further information or for additional copies of this booklet please contact:
Communications Office
Ministry of the Attorney General
18th Floor
18 King Street East
Toronto, Ontario M5C 1C5



Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

PUIS-JE INTERJETER APPEL D'UNE CONDAMNATION?

Oui. Une personne qui s'entête à ne pas payer ses amendes de stationnement peut se voir imposer une peine d'emprisonnement. En outre, dans certains cas, la municipalité qui a droit aux amendes peut engager des procédures civiles pour saisir le véhicule du contrevenant ou d'autres biens, et même obtenir une ordonnance du tribunal en vue d'une saisie-arrêt.

Y-A-T-IL D'AUTRES MOYENS DE PERCEVOIR DES AMENDES EN SOUFFRANCE?

vous rendre au greffe de la cour des infractions pro-
vinciales dans les 15 jours de la prise de connaissance de
la condamnation et demander une réouverture du cas.
On vous demandera une déclaration sous serment devant
un juge de paix qui, après avoir examiné les circon-
stances décrivées dans votre déclaration, peut annuler la
condamnation. Le juge peut alors vous remettre un avis
de procès, si vous désirez plaider "NON COUPABLE" à
l'infraction alléguée, ou il peut accepter le plaidoyer de ne
montant original de l'amende, si vous choisissez de ne
pas contester l'accusation.

Une personne qui prend connaissance d'une amende
de stationnement lors de la réception de l'état de compte
ou de la formule de renouvellement d'immatriculation du ministère des Transports et Com-
munications peut également se prévaloir de la procédure
d'immatriculation du ministère des Transports et Com-
munications pour faire valoir une amende.



Il arrive parfois qu'un avis de stationnement illégal se perde. Le vent peut l'emporter ou il peut étre enlevé par malaisance. Dans de telles situations, la loi prévoit un mécanisme simple de réouverture de l'enquête. Si vous recevez un avis dans le courrier à l'effet que vous avez été condamné pour une infraction de stationnement et que, pour une raison indépendante de votre volonté, vous n'avez jamais reçu d'avis d'infraction, vous pouvez faire une demande simple de réouverture de l'enquête. Si vous avez malaisance. Dans de telles situations, la loi prévoit un mécanisme simple de réouverture de l'enquête. Si vous avez été condamné pour une raison indépendante de votre volonté, vous pouvez faire une demande simple de réouverture de l'enquête.

QUE PUIS-JE FAIRE ?

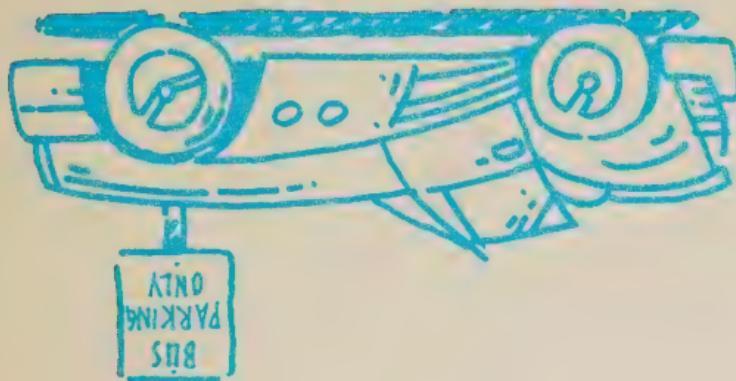
J'AI ÉTÉ RECONNUS COUPABLE D'UNE INFRACTION DE STATIONNEMENT, MAIS JE N'AI JAMAIS TROUVE D'AVIS DE STATIONNEMENT ILLÉGAL SUR MON PARÉ-BRISE.

Attention: Si quelqu'un conduit un véhicule automobile sans permis de conduire en règle, ou un véhicule dont la validation, il commet une infraction sérieuse.

Le fait de payer une amende pour une infraction de stationnement n'empêche pas d'être poursuivi pour un autre type d'infraction. Si une personne doit payer une amende pour une infraction de stationnement, il doit également payer une amende pour une autre infraction de stationnement. Il peut également être poursuivi pour une autre infraction de stationnement si une personne a été détenue pour une autre infraction de stationnement.

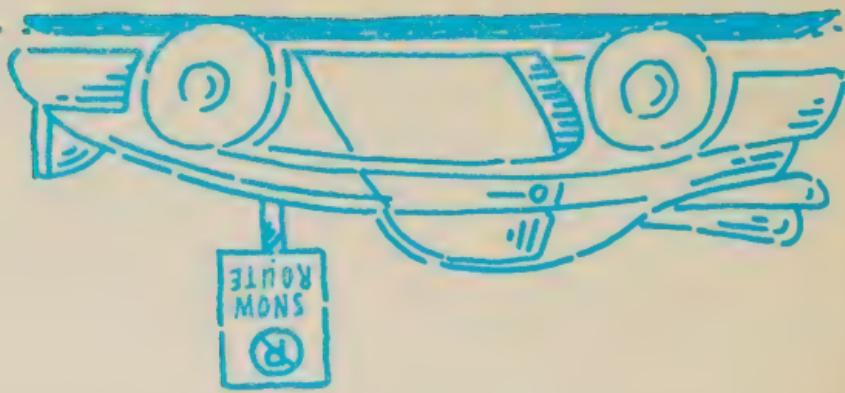
QUE ARRIVE-T-IL SI JE NE M'OCCUPE PAS DES AMENDES DE STATIONNEMENT ILLÉGAL JUSQU'AU MONTANT DE RENOUVELLEMENT MES PLAQUES D'IMMATRICULATION ?

efficace de perception des amendes en remplacement de la méthode traditionnelle, coutumière et inadéquate, selon laquelle le tribunal devait décerner un mandat d'incarcération pour essayer de percevoir le paiement d'une amende.



La cour avise le conducteur qui ne répond pas à un avis de stationnement illégal qu'il a été condamné et le montant de l'amende imposée. Si l'infraction est défaillante au courant des conséquences en cas de défaillance de paiement de l'amende imposée. Si l'infraction est défaillante dans le délai prescrit par le tribunal, des frais d'amende sont imposés. Si l'infraction additionnelle est exigée, l'ensemble des ordonnances autorisant le ministre des Transports et des Communications à refuser de renouveler les permis de conduire et les plaques d'immatriculation du véhicule de la personne en défaillant. Selon le système d'immatriculation des véhicules automobiles de l'Ontario, le nom du propriétaire d'un véhicule, accompagné du numéro des plaques d'immatriculation, reste inscrit dans le dossier même lorsqu'une personne vend l'automobile avec laquelle elle a commis des infractions de stationnement et en achète une nouvelle. Par conséquent, la personne qui a omis de payer des amendes suite à des infractions commises illegaux se verra refuser de nouvelles plaques d'immatriculation ou son permis de conduire.

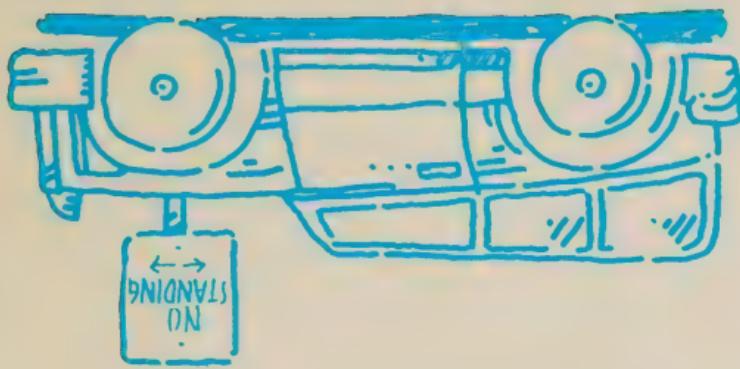
QUE ARRIVE-TEL SI JE DU TOUT DE LAVIS?



Procès en rang eins ou en anglais. A la réception d'une demande de procès, la municipalité se prépare en conséquence. Tout d'abord, les agents municipaux établissent à qui appartient le véhicule qui a été stationné illégalement. Il convient de souligner que c'est habituellement le propriétaire du véhicule qui doit répondre à l'avocat de stationnement illégal, qu'il ait ou non commis l'infraction lui-même. En d'autres mots, si vous prenez votre automobile à un ami ou un parent et qu'il la stationne illégalement, vous êtes responsable devant la loi de l'infraction que commet la personne à qui vous avez permis d'utiliser votre véhicule.

l'avais de stationnement illégal et le faire parvenir à l'adresse qui y est indiquée, soit par courrier ou par sonnellement. Vous n'encourez aucun frais ou couts additionnels lorsqu'e vous choisissez de contester une accusation de stationnement illégal.

Si vous êtes de langue française, vous pouvez démander qu'un juge qui parle le français et l'anglais preside votre procès. Il n'y a pas de frais additionnels pour un procès en français ou en anglais.



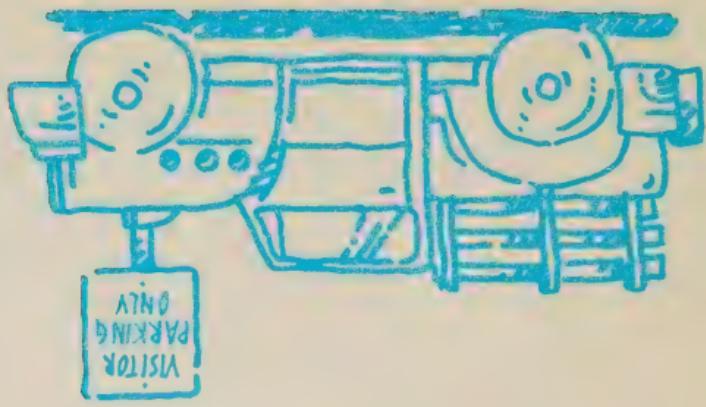
Si vous ne croyez pas avoir commis l'infraction précisee dans l'avis, vous pouvez demander un procès devant la cour des infractions provinciales. Pour ce faire, vous devrez signer le plaidoyer de "NON-CULPABILITE" au verso de

COMMENT PUIS-JE CONTESTER UN PROCES-VERBAL DE STATIONNEMENT ILLÉGAL?

QUE DOIS-JE FAIRE LORSQUE JE NE VEUX PAS CONTESTER LE PROCES-VERBAL?

Le verrou des nouvelles dispositions, setti un agenti preposee aux infractions provinciales peut émettre un avis de sta-tionnement illégal. Différents fonctionnaires ont l'autorité d'agir en qualité d'agents préposés aux infractions provin-ciales, y compris les agents préposés à l'application réglementaires municipaux, les agents de police, les gardiens de parcs et ainsi de suite. Les personnes qui étaient autorisées à émettre des procès-verbaux de sta-tionnement illégal avant l'entrée en vigueur des nou-velles dispositions seront, de façon générale, également autorisées à émettre les nouveaux avis.

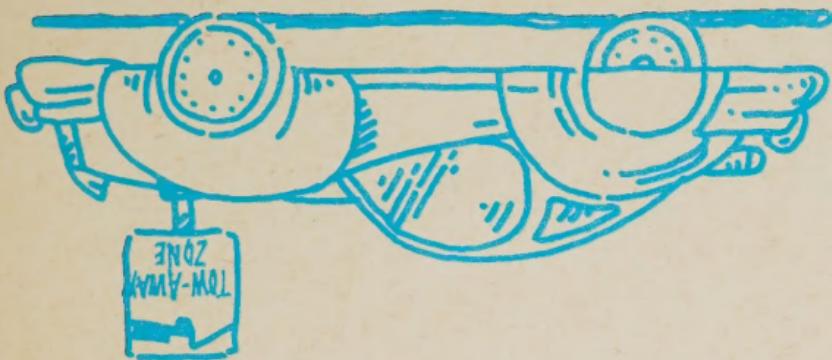
QUI PEUT EMETTRE UN AVIS DE STATIOMNEMENT ILLÉGAL?



EN QUOI LE NOUVEAU PROCÈS-VERBAL DE STATIOMNEMENT ILLEGAL EST-IL DIFFÉRENT?

ranté en Ontario, et le volume de travail qu'elle entraînait sous l'ancien régime était devenu inacceptable. Il pouvait déstabiliser l'économie et la poursuite d'un procès-verbal, Ces procédures congestionnaient les tribunaux et élavaient énormément les coûts du système judiciaire de la province.

Devant les coûts élevés et la complexité des poursuites pour stationnement illégal, et en raison des problèmes que causent les conducteurs qui choisissent d'ignorer les restrictions de stationnement dans les rues et sur les routes, le gouvernement a adopté des dispositions efficaces. Celles-ci simplifient la procédure relativement aux infractions de stationnement et prévoient une nouvelle méthode efficace pour la renouveler l'immatriculation de la partie II de la loi, le conducteur qui refuse scientifiquement de payer une amende pour une infraction de stationnement ne pourra plus renouveler l'immatriculation de son automobile.



La procédure prévue en vertu de l'ancienne loi pour intendement en Ontario était découlant d'une infraction de stationnement annuelle, plus d'un million de ces poursuites étaient immédiatement détenues lorsque l'infraction a été commise. Chaque année, l'Ontario a été détenue une infraction de stationnement en Ontario. Bien que le stationnement soit une infraction relative peu sévère, elle est de beaucoup l'infraction provinciale la plus courante.

POURQUOI LES NOUVELLES DISPOSITIONS ONT-ELLES ÊTÉ ADOPTEES?

Le gouvernement de l'Ontario vient d'adopter de nouvelles dispositions visant le stationnement illégal, c'est-à-dire la Partie II de la Loi sur les infractions provinciales. Les nouvelles dispositions visent à faire en sorte que les infractions provinciales soient éventuellement toutes les progressivement, régisront entièrement toutes les municipalités de la province. Elles comportent des changements importants en ce qui concerne la façon dont un procès-verbal de stationnement illégal est émis, la manière de constater l'accusation qui y est alléguée et les méthodes de perception des amendes.

La présente brochure a pour but d'aider les conducteurs de l'Ontario à mieux comprendre les nouvelles dispositions de la loi et les répercussions importantes qu'elles auront sur eux.

AVANT-PROPOS

LOI SUR LES INFRACTIONS PROVINCIALES :



GUIDE DE LA LOI SUR LES INFRACTIONS PROVINCIALES : PARTIE II

ISBN 0-7729-2903-3

08-87

3 1761 11469979 6

Violé pour qui.
Plus sans payer.
On ne se en sort
illégal.
Le stationnement

Ministère du
Procureur
général
Ontario

